

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARIO DARNELL SMITH,

Plaintiff,

v.

ST. LOUIS COUNTY POLICE
DEPARTMENT, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

No. 4:10-CV-1790-CDP

ORDER AND MEMORANDUM

This matter is before the Court upon its own motion. Plaintiff filed the instant action, as well as a motion for leave to proceed in forma pauperis and inmate account statement, on September 22, 2010, while he was confined at the St. Louis County Justice Center. Plaintiff presently is a resident at the Dismas House. Because plaintiff is no longer incarcerated, the Court will grant him twenty days in which to submit a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” as set forth below.

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk of Court shall provide plaintiff with the court forms entitled “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

IT IS FURTHER ORDERED that plaintiff shall have twenty (20) days from the date of this Order to pay the statutory filing fee of \$350.00, or to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

IT IS FURTHER ORDERED that if, within twenty (20) days from the date of this

Order, plaintiff fails to pay the filing fee or fails to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the case shall be dismissed, without prejudice.

IT IS FURTHER ORDERED that if plaintiff timely submits a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.¹

Dated this 7th day of December, 2010.


UNITED STATES DISTRICT JUDGE

¹If plaintiff pays the filing fee, he will be responsible for serving the summons and complaint upon the defendants. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.